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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|------------------------|---------------------|------------------|
| 10/810,474 | 03/26/2004 | Barend Bastiaan Romijn | B-5408 621801-7 | 9820 |
| 7590 | 11/17/2006 | | EXAMINER | |
| Richard P. Berg, Esq. c/o LADAS & PARRY Suite 2100 5670 Wilshire Boulevard Los Angeles, CA 90036-5679 | | | PRIOLEAU, AVERY D | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3782 | |
| DATE MAILED: 11/17/2006 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|--------------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/810,474 | ROMIJN, BARENDE BASTIAAN | |
| | Examiner | Art Unit | |
| | Avery D. Prioleau | 3782 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 March 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-8 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date: _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>07/09/2004</u> . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

1. The disclosure is objected to because of the following informalities: The applicant fails to list section headings in the specification and the spelling of "maximized" is spelled incorrectly (Page 2, paragraph 10).

Appropriate correction is required.

Claim Objections

2. Claim 8 is objected because of the following informalities: The word "least" is spelled "I east". Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter that the applicant regards as his invention.

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear what structure is defined by the language "the walls of the package are folded double in a direction away from the bonding seam".

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Hohl (U.S. 2,189,174).

Regarding claim 1, Hohl discloses a package comprising at least two opposite walls (32,33) which are bonded together along a longitudinally extending bonding seam

(34/35), each wall comprising at least two bonded together wall members (30,31), which are folded onto each other about a fold line, furthermore, parts of the walls (32,33) positioned on either side of the wall members (30,31) can be moved away from each other in directions extending parallel to the longitudinal direction the bonding seam (23/24), wherein the opposite wall members can be moved apart (claim 14), bounding and opening that gives access to a space present inside the package (Page 1, lines 23-26).

6. Regarding claim 2, Hohl discloses a package characterized in that the wall members (30/31) of one wall (32/33) are positioned on a side of the wall remote from the other wall and vice versa (Fig. 7).

7. Regarding claim 3, Hohl discloses a package characterized in that a wall member extends parallel to the associated wall (Fig. 7).

8. Regarding claim 4, Hohl discloses a package characterized in that the wall member is bonded to the associated wall (Page 3, right column lines 65-75).

9. Regarding claim 5, Hohl discloses a package characterized in that the wall members 30/31) of one extend in a direction in which the wall members of the other walls extend (Fig. 7).

10. Regarding claim 6, Hohl discloses a package characterized in that the bonded-together wall members (30,31) of a wall extend in a direction transversely (Page 3, left column lines 6-20) to the longitudinal direction (claim 8) of the bonding seam over at least substantially the entire package.

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11. Regarding claim 7, Hohl discloses a package characterized in that the walls of the package are folded double in a direction away from the bonding seam, the folded-together walls being sealed by means of a further bonding seam (Page 2, left column lines 45-60). Based on the lack of clearness of what is being double folded, the examiner uses the package in Fig. 6 of Hohl being double folded at the top of the package.

12. Regarding claim 8, Hohl discloses a method of manufacturing a package (Fig. 1) characterized in that longitudinal sides of a strip-shaped foil are bonded together (page 2, lines (5-15), at least two pairs of wall members are folded onto each other about fold lines extending parallel to the longitudinal side (Fig. 2) the wall members of each pair are bonded together (claim 13), the pairs of wall members are positioned opposite each other (Fig. 2), and the walls positioned on either side of the wall members are bonded together by means of a bonding seam extending transversely to the longitudinal sides (Page 3, lines 6-25)

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Avery D. Prioleau whose telephone number is 57-272-3427. The examiner can normally be reached on M-Th 8-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Newhouse can be reached on 571-272-4544. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


JES F. PASCUA
PRIMARY EXAMINER

AP